IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2599 OF 2006

Harishchandra Dudhasha Bhosale — Petitioner
vs.
The Deputy Superintendent of Prisons
Yerwada Central Prison, Pune & anr. — Respondents

Ms.Indrayani M. Koparkar for the petitioner.

Mrs.A.S.Pai, APP for State.

CORAM : SMT.RANJANA DESAI &
ANOOP V. MOHTA,JJ.

DATED : 23rd February, 2007

P.C.

The petitioner is at present undergoing imprisonment in Yerwada Central Prison, Pune.

2. The petitioner had applied for parole leave on the ground of his wife's illness. The said application was rejected in view of the adverse report submitted by the Police.

3. The petitioner, therefore, has filed the present Criminal Writ Petition for quashing the impugned order dated 08.09.2006 passed by the Commissioner, Pune of rejection of his parole leave.

4. As pointed out by the learned APP Mrs.A.S.Pai,

against the impugned order there is a remedy of appeal before the State Government. While communicating the above order of rejection, the Commissioner in the order itself pointed out about the said remedy. The petitioner, therefore, has remedy available under Rule 18(ii) of the Prisons (Bombay Furlough and Parole) Rules, 1959. The State Government, on an application if filed by the petitioner for the parole leave, may consider the same in accordance with law.

5. With the above observations, the petition is disposed of.

[SMT.RANJANA DESAI,J.]

[ANOOP V. MOHTA,J.]